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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record (partial) of the 1955th (Chamber A) meeting**
Held at the Palais Wilson, Geneva, on Tuesday, 20 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

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Consideration of reports of States parties (*continued*)

Combined fourth and fifth periodic reports of Colombia

* Reissued for technical reasons on 29 January 2015.
** No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined fourth and fifth periodic reports of Colombia (CRC/C/COL/4-5; CRC/C/COL/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Colombia took places at the Committee table.*

2. **Ms. Plazas Michelsen** (Colombia) said that the Havana peace talks were expected to end the conflict in Colombia. The national development plan proposed for the following four years would focus on peace, equity and education, with particular emphasis on the comprehensive protection of children. The Constitution recognized the primacy of children's rights. The 2006 Children's and Young Persons' Code incorporated the obligations set forth in the Convention and other international human rights instruments, in keeping with the Committee's recommendation. The National Family Welfare System encompassed national and territorial government entities and monitoring agencies in addition to civil society organizations and children, whose views were taken into account in public policies.

3. Spending on children's affairs had risen by approximately 50 per cent between 2011 and 2014. Territorial development plans were systematically assessed at regular intervals, with the input of children and civil society. The Government had set up an integrated information system on children, which included more than 50 indicators of the effective enjoyment of rights, in accordance with another of the Committee's recommendations. Thousands of vulnerable families had been provided with free housing, and access to safe drinking water and basic sanitation would be extended to nearly the entire population by 2018.

4. A Comprehensive Policy on Early Childhood Services had been adopted, more than tripling annual investment per child and resulting in improved nutrition, additional skilled professionals, enhanced education services, closer cooperation with communities and a safer environment. Longitudinal studies had shown that outcomes across various child development indicators, such as language and cognition, had significantly improved. The goal was to ensure that all vulnerable children aged 0 to 5 benefited from the policy by 2018. Regarding children between 6 and 18, a number of initiatives had been launched under the Statutory Youth Act, including the awarding of university scholarships, the creation of new technology training places, the enhancement of basic education and the provision of tablets and computers to public schools.

5. Policies had been adopted on a range of children's issues, including the empowerment of girls, gender stereotypes, teenage pregnancy, child labour and sexual exploitation. More than 60 centres had been set up countrywide to receive and investigate complaints of sexual and domestic violence.

6. Providing statistical data on the fulfilment of the Millennium Development Goals, she said that particular progress had been achieved on the following indicators: low birth weight, infant mortality, malnutrition in children under 5, vaccination coverage, deliveries by trained professionals, exclusive breastfeeding and free basic education. Nevertheless, inequalities among regions and between population groups, especially those that were most vulnerable, such as indigenous peoples, Afro-Colombians, victims of the conflict and rural inhabitants, remained a major challenge.

7. The armed conflict had had severe repercussions on children, thousands of whom had been forcibly recruited, sexually exploited, displaced, orphaned or disabled by landmines. The Government's comprehensive response sought to remove children from

illegitimate armed groups, restore children's rights and provide reparation, including compensation and physical and emotional rehabilitation. Non-governmental organizations (NGOs), foster families and biological families were strong partners in those efforts, which had benefited some 30,000 children thus far. It should be noted that children did not lose their status as victims, and therefore their entitlement to assistance, once they turned 18.

8. In 2007, an intersectoral commission consisting of 23 government entities had been established to prevent the recruitment and sexual exploitation of children. Lastly, the Government was cooperating with UNICEF to evaluate prevention measures with a view to further improving the protection of children, especially by involving families and communities.

9. **The Chairperson** (Country Task Force), said that, although the adoption of the Children's and Young Persons' Code had been a welcome development, some reports suggested that it was not being implemented effectively. She asked whether all the necessary regulations had been adopted to enforce the Code. Enquiring about the outcomes of the National Development Plan 2010–2014, she asked whether it had been assessed. She wished to know whether a new plan had been adopted and, if so, what its content was and how it related to the National Plan for Children and Adolescents. She welcomed the establishment of the Colombian Family Welfare Institute; however, she wondered whether it had the necessary capacity and resources to fulfil its mandate both nationally and locally. Further information on interministerial coordination would be useful.

10. She asked whether the proportion of the overall budget allocated to children's affairs had been increased only temporarily; if so, why it had been cut again and how the Government monitored actual spending. She also asked what steps were being taken to enhance anti-corruption efforts.

11. Noting that, as a general rule, the Committee wished to receive detailed information on the impact of government policies and programmes, she asked how effective efforts to disseminate the Convention had been and what steps were planned to correct persistent gaps in awareness of the Convention and the Committee's concluding observations. She requested additional information on training in children's rights, in particular who received such training, what its content was and whether it was true that it was not available to justice officials.

12. Recalling that the State must hold the private sector accountable, she enquired about any measures adopted to ensure that children's rights were not violated in the conduct of economic activities, in particular coal mining and tourism.

13. **Mr. Nogueira Neto** (Country Task Force) pointed out that, despite the inclusion in national legislation of the principle of non-discrimination, indigenous peoples and Afro-Colombians continued to be discriminated against and to have lower education and health outcomes. He asked how the Government ensured equal rights for those groups and whether additional legal measures were planned, including affirmative action. In that connection, he asked whether the Government cooperated with indigenous and Afro-Colombian leaders, whether public servants were adequately trained in minority issues and rights and whether the Government took into consideration the recommendations contained in the Committee's general comment No. 11 on indigenous children and their rights under the Convention. He wished to know whether indigenous and Afro-Colombian children continued to suffer disproportionately from displacement, violent offences, landmines and recruitment by illegitimate armed groups and, if so, what steps were planned or being taken to correct the problem. He also wished to know why, despite the introduction of bilingual instruction in Spanish and indigenous languages, literacy remained so low among the indigenous population.

14. Noting that the principle of the best interests of the child had been incorporated into the Constitution, he wished to know how it was implemented in practice and whether public servants or the judiciary were adequately trained to avoid making restrictive interpretations of that provision. It would be useful to learn whether steps were being taken to evaluate and amend laws to best serve the rights of children and how the government ensured that budgeting for children's affairs was made a priority at the local level. To what extent did government entities, medical professionals, prosecutors, judges and the police pay heed to children's views? Was the failure to do so a matter of resources or training?

15. Pointing out that impunity was more prevalent in cases of offences against children than offences against adults, he asked what steps were being taken to address cultural factors that made children more vulnerable to sexual violence and exploitation and to bring offenders to justice. He also asked whether the authorities involved families and communities in efforts to create a safe environment for children.

16. **The Chairperson** asked whether the State party had any plans to raise the minimum age of marriage to 18 years. Regarding violence against children, it had been reported to the Committee that one third of deaths of 15 to 17 year-olds were caused by or involved State agents. She requested further information in that regard and asked what measures were being taken to resolve the situation. Furthermore, the Committee had been informed that 46 per cent of deaths of children were due to tolerance of, or support for, demobilized paramilitary groups. She asked what was being done to deal with the emergence of drug-trafficking gangs allegedly linked to public officials and what measures had been taken to address gang violence in the streets.

17. She asked whether the policy of removing the victims of sexual violence from their homes during court proceedings was the best approach. Colombia had an extremely high rate of participation in international child pornography and sexual exploitation networks. Although there were laws in place in that regard, they did not seem to be implemented. She asked why the agencies operating in that field had become less dynamic and less effective and what was being done to address that problem.

18. Noting that indigenous children did not appear to enjoy the same level of protection against corporal punishment as other children, she asked whether the State party intended to prohibit corporal punishment entirely by amending the Civil Code.

19. Levels of domestic violence in Colombia were high. She asked whether the impact of a new law introducing stiffer penalties and ensuring that offenders were prosecuted had been measured and how that law was implemented. According to information received, many of the girls subjected to domestic violence were engaged in housework. She asked whether they were domestic workers and whether they were exposed to violence inflicted by their employers. What measures had been taken to protect children from violence within their families and to prevent domestic violence in general?

20. With regard to harmful practices, she asked whether there were any plans to prohibit female genital mutilation and whether related education initiatives had been assessed.

21. Lastly, she asked if the State party intended to prohibit bullfighting or introduce measures to prevent children from actively participating in or watching bullfights and from attending bullfighting schools.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

22. **Ms. Hoyos** (Colombia) said that a national training programme on the Children's and Young Persons' Code had been launched, targeting local authorities. Over the previous few years, development plans had focused increasingly on children and adolescents. Mayors, governors and even the President of Colombia were required, for the first time, to submit reports on public administration and the human rights situation. A second public

reporting process was being planned, dealing with indicators on childhood, adolescence and youth and Afro-Colombian and indigenous communities. Measures had been introduced for the assessment of children's participation in the work of the social policy councils. Under the Children's and Young Persons' Code, all mayors and governors had a duty to carry out a study on the situation of children and adolescents in the department or municipality for which they were responsible. The State party had recently approved a statute for young citizens and had established an information system on childhood and youth.

23. Following a review of the system of family commissioners' offices, the units responsible for monitoring violence within families, their functions would be revised. In 2009, legislation had been adopted on integrated protection for the family. Regional meetings, involving judicial officials and representatives of local authorities and civil society, had been held on the administrative process of the restoration of rights, as provided for in the Children's and Young Persons' Code. There were also plans to work with civil society organizations to assess that process.

24. The principle of the best interests of the child was implemented through legislation on victims, comprehensive protection and women. Interviews had been carried out nationwide with child victims of sexual violence with a view to formulating relevant recommendations. A committee on sexual violence had been set up to consider cases of such violence and to make recommendations to local authorities. The best interests of the child were taken into account by the national judicial system as a whole. Training was provided to administrative and judicial officials in that regard and there had been calls for that training to be extended to the armed forces and the police.

25. **Ms. Alarcón** (Colombia), referring to capacity-building at the local and national levels, said that local authorities currently had a duty to prepare policies on children and adolescents and the national family welfare system provided a solid national framework within which capacity-building activities could be carried out. The new national development plan would cover a number of strategic areas linked to capacity-building at the local level under development policies for early childhood, childhood and adolescence, including: the management of capacity-building at the municipal level; the mobilization of civil society; and active participation by children in the design of long-term plans and programmes. Funding for the Colombian Family Welfare Institute had been increased on an annual basis over the past few years and had almost doubled since 2010.

26. **The Chairperson** asked what proportion of the overall budget was allocated to issues affecting children. According to information received, that proportion had decreased.

27. **Ms. Plazas Michelsen** (Colombia) said that, in general, expenditure on children and adolescents had risen and the budget for education had been significantly increased over the previous few years.

28. **Ms. Alarcón** said that budgetary expenditure on early childhood development had also increased. In the area of child protection, Colombia was currently shifting its focus from violations of rights to the building of protective environments. A great deal of work was being carried out to improve education, health-care and cultural services. In the matter of prevention, training in parenting and childcare skills was provided to all families with infants. The aim in that regard was to bring about a change in relationships and interactions between children and families. Nationwide strategies on childhood and adolescence had resulted in positive outcomes, providing families with access to various services at the local level.

29. Turning to the issue of discrimination, she said that over the previous few years the authorities had focused on ethnic minority communities and legislation had been adopted that provided protection for vulnerable groups against acts of racism or discrimination. In the light of recently introduced legislation, ethnic minority groups had the right to set up

their own education and health-care services. As part of that process, the Government had undertaken to transfer resources to the communities concerned.

30. Work to save indigenous languages was ongoing and relevant legislation had been adopted in that regard. The Government's early childhood strategy took into account the importance of language in terms of identity and culture. Various programmes had been launched, such as the setting up of an audio library. A number of regulations and laws had also been translated into various indigenous languages. Furthermore, a national panel on indigenous children had been set up to ensure that the various government ministries and other bodies fulfilled commitments made regarding issues such as improved access to health care.

31. **Ms. Flórez** (Colombia) said that, in the light of a Constitutional Court ruling, the Government was working to ensure that all policies, plans and projects took into account the needs of ethnic minority communities and that resources were allocated accordingly. Recently introduced legislation providing protection against acts of racism or discrimination for vulnerable groups served as a foundation for activities targeting ethnic minority groups. Two panels had been set up: the first monitored the situation of indigenous children and the second focused on the implementation of policies regarding children of the various Afro-Colombian and indigenous communities. Representatives of the communities concerned took part in the work of the corresponding panels. The panel on indigenous communities and the national authorities had launched a number of projects on the prevention of sexual violence within indigenous communities. The State party was working to replicate that approach with the panel on Afro-Colombian communities.

32. Female genital mutilation had been reported only within the Embera Chamí community in the departments of Risaralda and Chocó. Investigations into the origins of the practice had been undertaken and a dialogue had been initiated between the national and indigenous legal systems. Midwives were also assisting in efforts to phase out the practice, which was prohibited and punishable by law. Although there had been a decline in the number of confirmed cases in hospitals, the process, which had been complicated by the uneven distribution of the Embera Chamí population, would take time and require pedagogical support and follow-up.

33. **The Chairperson** asked how the Government was monitoring the resettlement of the El Hatillo mining community. The delegation should also explain how companies were held accountable for the environmental impact of their activities and how informal mining was regulated.

34. **Mr. Borda Villegas** (Colombia) said that all companies needed an environmental permit to operate. Territorial authorities were tasked with policing industrial activities and evaluating the manner in which companies treated employees and their families. Some mining communities, such as El Hatillo, had been affected by vicious cycles of production and the Ministry of Labour had therefore intervened to ensure that families were not left unprovided for.

35. **The Chairperson** asked why the resettlement of the El Hatillo mining community had taken so long.

36. **Mr. Borda Villegas** (Colombia) said that the multinational company that held the mining licence for El Hatillo had contracted the services of a different operator for each of the mines that it owned. Changes in operators as a result of mine closures had made it difficult to determine who was responsible for violations of labour regulations and failures to provide guarantees. The Government had signed a cooperation agreement with the regional office of the International Labour Organization in Lima to assess the situation in El Hatillo and propose solutions for the families affected.

37. **Ms. Durán** (Colombia) said that the Attorney General's Office had recently undergone restructuring in order to better respond to the challenges it faced. Efforts had been focused on preventing crime and creating channels of access to justice for children and adolescents. To that end, the Office had identified best practices in existing victim support models and developed plans for new centres providing comprehensive support to victims of both domestic and sexual violence. Two centres were due to open in Tumaco and Buenaventura by July 2015 and there were proposals to build more throughout the country. As part of a pilot project under way in Bogotá, victims were receiving assistance from family welfare offices, the Colombian Family Welfare Institute and local authorities with a view to tackling the direct and indirect consequences of violence. Support was also being provided by the Directorate of Forensic Medicine and localized studies were being carried out to pinpoint the issues specific to each region of the country.

38. **Ms. Herczog** (Country Task Force) asked how the Government ensured that all children had access to early childhood development programmes and that parenting programmes were available to vulnerable groups, particularly teenage girls. Information on any campaigns on sexual and reproductive health would be appreciated.

39. She wished to know how the indicators under the integrated information system had been developed, how they were being used and whether they were based on the Committee's general comment No. 7 on implementing child rights in early childhood. Turning to child protection, she enquired about measures to prevent the separation of children from their families and facilitate reunification.

40. Given the link between mental health problems, abuse and social deprivation, she asked whether a holistic approach was taken to the provision of mental health, psychiatric rehabilitation and family support services. The delegation should comment on reports that there was a shortage of childcare professionals, whose training was often inadequate, and that children were removed from the family environment more often than was necessary. With regard to children's institutions, the delegation should respond to concerns that there were too many operators, many of which were not licensed or regulated. She also asked whether the State party intended to promote deinstitutionalization in favour of family- and community-based care, and invited the delegation to comment on reports of an imbalance between international and domestic adoptions.

41. While commending the decision of the National Economic and Social Policy Council to adopt document No. 166 on disability and social inclusion, she said that implementing regulations were lacking and that more effective strategies were needed to encourage inclusive education and accessibility.

42. Noting that child and maternal mortality rates remained high, particularly among vulnerable groups, she asked whether any early intervention programmes were in place to prevent the mother-to-child transmission of HIV. She also wished to know why registered children did not all automatically have access to public health services and whether steps were being taken to strengthen vaccination programmes. The delegation should comment on the issue of substance abuse in the State party and indicate what was being done to reduce pollution and improve water safety. Lastly, in relation to youth suicide, she asked whether campaigns had been launched to tackle psychosocial problems and their effects on families.

43. **Mr. Nogueira Neto** asked whether the State party had developed strategies to improve access to education, enhance the quality of teaching and reduce dropout rates, particularly among indigenous peoples. He also wished to know what steps had been taken to monitor the implementation of the free education policy and assess its impact on school completion and the quality of education. He asked whether efforts were being made to

achieve universal free education at all levels and whether the Government intended to further increase the education budget in order to reduce gaps in quality.

44. He said that he would appreciate information on measures to strengthen the hiring, retention and qualifications of teachers and ensure that they were present from the very beginning of the academic year, particularly in rural areas. It would also be useful to learn about efforts to implement full-day schooling and provide teachers with the necessary materials.

45. He asked whether the Government would evaluate its flexible education models for displaced and overage students to guarantee their relevance, sustainability and effectiveness in improving completion rates, what measures had been taken to strengthen human rights education in schools and what follow-up had been given to the implementation of the National Human Rights Education Plan in formal and informal settings.

46. **Mr. Madi** (Coordinator, Country Task Force) said that he wished to receive information about the mandate of the mobile support units mentioned in paragraph 73 of the State party's replies to the list of issues (CRC/C/COL/Q/4-5/Add.1) and asked what steps were being taken to address the root causes of forced displacement and provide comprehensive protection and support to affected children and their families.

47. He wished to know what additional measures were being taken to combat child labour, what training was given to labour inspectors and how many violations of child labour laws had resulted in prosecutions and convictions. He asked for an estimation of the number of children in street situations and a description of measures to tackle the issue, particularly in rural and remote areas, and to dispel the common misrepresentation of such children as criminals.

48. With regard to child trafficking, he wished to know the number of cases investigated and convictions handed down since 2012. The delegation should also explain what was done to support and rehabilitate victims.

49. He asked whether regressive proposals to lower the age of criminal responsibility, toughen sentences and expand the list of offences for which children could be imprisoned were persistent and, if so, whether they were endorsed by the Government. He enquired about the content and status of the draft decree referred to in paragraph 100 of the replies to the list of issues and invited the delegation to elaborate on measures to improve living conditions and prevent violence in juvenile detention centres, protect witnesses during legal proceedings and ensure the separation of children from adults in the justice system at all times. He would also appreciate information on the use of deprivation of liberty as a last resort.

50. Regarding the involvement of children in armed conflict, he invited the delegation to respond to concerns that child recruits were viewed as criminals, and asked how the activities of the Colombian Family Welfare Institute, the Comprehensive Victim Support and Reparation Unit and other victim support bodies were coordinated. The delegation should also comment on the low number of prosecutions in cases of recruitment and the alarming reports concerning sexual violence, including allegations that military and police officials responsible for acts of sexual violence against girls had not been prosecuted or punished. Noting that the Government often did not cover all the expenses incurred by victims of armed conflict and their families, he asked what additional efforts were being made to enhance the support provided.

51. Lastly, he wished to know whether children were actively involved in the ongoing peace process and, if so, how participants were selected. The delegation should indicate whether the Government was fully prepared for the post-peace process era.

The discussion covered in the summary record ended at 6.05 p.m.

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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1956th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 20 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne

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Initial report of Uruguay on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Initial report of Uruguay on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/URY/1; CRC/C/OPSC/URY/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Uruguay took places at the Committee table.*

2. **Ms. González** (Uruguay) said that the National Committee for the Eradication of Commercial and Non-commercial Sexual Exploitation of Children and Adolescents (CONAPES) was made up of representatives of a number of government bodies, who met on a fortnightly basis to discuss the training and awareness-raising activities and programmes carried out by its various member institutions, including a nationwide programme to provide care to victims of trafficking and sexual exploitation. The only residential shelters in the country were those that cared for women victims of domestic violence and their children. Children and adolescents who were at serious risk of trafficking, prostitution or violence were taken care of through the protection system operated by the Uruguayan Institute for Children and Adolescents. Child victims of trafficking and prostitution received care through the aforementioned shelters in conjunction with three specialized programmes, one of which was run by CONAPES, while the other two were managed by civil society organizations. CONAPES, maintained registers of cases and complaints, and efforts were under way to digitize that data-collection system so as to make it easier to access and analyse the data. The judiciary had prepared a report on cases of trafficking in persons and sexual exploitation that had been brought before the courts.

3. **Ms. Paysse** (Uruguay) said that Uruguay was implementing a coordinated policy in conjunction with the other Southern Common Market (MERCOSUR) countries to address the root causes of trafficking in persons and sexual exploitation by reaching out to potential perpetrators and disseminating information on the issue in hotels and in border regions. CONAPES had asked parliament to include in the new criminal code legislation addressing the issue, and efforts to do so were under way.

4. **Ms. Oviedo Fierro** (Country Rapporteur) asked whether sex tourism was classified as an offence in Uruguay and said she wished to know how much importance the Government attached to that issue in its efforts to implement the Optional Protocol.

5. **Ms. Paysse** (Uruguay) said that sex tourism was not currently classified as a separate offence but that certain members of parliament aimed to include such an offence in the new criminal code.

6. **Mr. Martínez** (Uruguay) said that trafficking in persons was criminalized under the Migration Act and that in October 2014 the executive branch had issued a decree on strengthening efforts to combat trafficking in persons through the Inter-Agency Bureau to Combat Trafficking, which included representatives of the executive, legislative and judicial branches of government and also entertained ties with civil society and international organizations. In November 2014, representatives of the MERCOSUR countries had engaged in standard-setting work on the issue and had made a joint declaration on combating trafficking in persons, which included guidelines on dealing with child victims. The Government attached particular importance to ensuring that victims were treated as such rather than as criminals and that child victims were not revictimized. Efforts would be made to improve government policies on the issue during the next five-year period on the basis of international standards such as the Palermo Protocol.

7. **Mr. Cardona Llorens** (Country Rapporteur) asked why the reform of the Code of Criminal Procedure that was aimed at improving access to justice for child victims would not enter into force until 2017. He asked whether it was true that, in most cases, the competency to investigate and try cases of sexual and commercial exploitation fell to ordinary courts, meaning that there were no guarantees to protect the privacy of the children involved in those cases. He asked how the Government planned to address the problem of revictimization of child victims, who, once their case had been tried in the criminal courts, must bring another case before the civil courts in order to receive reparation. Application of the Brasilia Regulations regarding Access to Justice for Vulnerable People was insufficient to resolve the issue.

8. **The Chairperson** asked whether there was any specialized branch of the law enforcement system that dealt with child sex tourism in tourist hotspots.

9. **Mr. Mezmur** asked whether it was accurate to say that the State party's efforts to combat trafficking in persons were focused more on cross-bordering trafficking than on domestic trafficking, and he wished to know why so little data had been provided on domestic trafficking. He also asked whether it was true that the provision in the Migration Act that established penalties for trafficking in persons and established an aggravating circumstance in cases where the victim was a child had never been used to prosecute perpetrators.

10. **Ms. Rodríguez** (Uruguay) said that there was no specialized law enforcement body to deal with sex tourism but that initial steps were being taken with a view to establishing a tourist police force. In addition, a specialized body dealing with domestic and gender-based violence operated under the auspices of the Ministry of the Interior. In the summers of 2014 and 2015, the Ministry of Tourism had conducted a large-scale campaign against sex tourism. It was true that the provision of the Migration Act establishing penalties for trafficking in persons had never been applied. Nevertheless, significant efforts were being made at the local level to combat child trafficking in remote areas in the interior of the country and in border areas. Binational committees had been established in cooperation with Brazil and Argentina to address the issue.

11. **Ms. Ramírez** (Uruguay) said that complaints of trafficking in persons and sexual exploitation could be submitted to specialized courts that dealt with organized crime or to any criminal court.

12. **Ms. Rodríguez** (Uruguay) said that, while it was true that reparation was handled separately by the civil courts, there was no need to prove a second time that the crime had been committed. The victims needed only to prove that they had suffered damages. They could also choose not to seek reparation.

13. **Mr. Cardona Llorens** suggested that the State party should consider revising those procedures and allowing criminal court judges to order reparation in certain cases, in order to avoid the revictimization of child victims.

14. **Ms. Costa** (Uruguay) said that the reform of the Code of Criminal Procedure constituted a major overhaul and would require both time and money to implement. Judges did exercise discretion with regard to the interpretation and application of legislation, and training for judges was needed to ensure that they made proper use of their discretionary powers. Issues such as the sexual exploitation and sale of children were still considered taboo in Uruguay, and awareness-raising and training were therefore required to ensure that all State bodies learned to recognize and deal with those offences. The provisions of the Criminal Code relating to extradition and extraterritorial competence in criminal matters were not in line with the Convention, and measures would need to be taken to address that discrepancy.

15. **Ms. González** (Uruguay) said that the awareness-raising campaigns on trafficking in persons were conducted by CONAPES and were funded entirely by the Government of Uruguay.

16. **Mr. Cardona Llorens** asked whether the State party would consider establishing criminal responsibility for corporations in relation to the downloading of child pornography from the Internet and said he wished to know how the State party dealt with corporations involved in such misuse of their Internet services.

17. **Ms. Oviedo Fierro** asked what steps were being taken to train teachers and parents on supervising children's use of the Internet.

18. **The Chairperson** asked whether a monitoring system was in place to determine the extent of the problem of child pornography downloaded through the Internet.

19. **Ms. Paysse** (Uruguay) said that the law on audiovisual and communications services did not contain any provisions regarding the Internet. Access to pornographic sites was blocked on the tablets and laptop computers provided to students under the CEIBAL Plan, and the Ministry of the Interior had issued guidelines for parents on monitoring their children's use of the Internet. She recognized that further efforts were needed to address that relatively new challenge. While there was no established protocol on the trafficking or sale of children or the spread of child pornography via the Internet, specialized staff members of the Ministry of the Interior were working to prevent such abuses.

20. **Ms. Costa** (Uruguay) said that possession of child pornography was not criminalized but that CONAPES hoped to change that situation and planned to discuss it with the government authorities. She did not have any data on the downloading of child pornography from the Internet but would look into the possibility of obtaining such data. Possession of child pornography was prosecuted only on the basis of a complaint and not on the basis of evidence obtained by monitoring Internet use.

21. **Ms. Oviedo Fierro** asked whether the Government was taking any measures to dissuade persons likely to access child pornography from doing so.

22. **Ms. Paysse** (Uruguay), responding to Ms. Oviedo Fierro, said that the Government shared the Committee's concern and was looking into taking such measures. Steps were also being taken in Uruguay to establish criminal responsibility for corporations with respect to workplace accidents, which could perhaps be extended to cover the types of situations that the Committee had referred to.

23. **Ms. Winter** said that, if she understood correctly, Uruguayan nationals who committed an offence referred to in one of the two Optional Protocols while abroad could not be brought to trial in Uruguay, and she asked whether it would be helpful if the Committee issued a recommendation stating that the law should be amended in that respect.

24. **Ms. Costa** (Uruguay) said that recommendations were always welcome.

25. **The Chairperson** asked whether the Government had communicated with tourism operators to gain their support in preventing child sex tourism.

26. **Ms. Costa** (Uruguay) said that, as part of the aforementioned awareness-raising campaigns, tourism operators had made a commitment to combat sex tourism and sexual exploitation and relevant training had been provided to employees in the tourism industry. Current efforts were focused on seaside resorts frequented by foreign tourists. As far as she was aware, all complaints of sexual exploitation submitted in Uruguay had been against individuals rather than corporations.

Initial report of Uruguay on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/URY/1; CRC/C/OPAC/URY/Q/1 and Add.1)

27. **Ms. Costa** (Uruguay) said that the involvement of children in armed conflict was currently not a major problem in Uruguay. The country's Armed Forces were actively involved in United Nations peacekeeping and humanitarian missions, which provided an ideal opportunity to train soldiers on the issue. Members of the navy, army and air force received such training through their respective military academies. The right to peace was not a specific subject of study in schools, though international organizations such as UNICEF conducted ongoing campaigns on the subject of peace, especially as it related to children. No specific action was being taken to coordinate efforts to implement the Optional Protocol. Although the minors who attended military training schools were close to attaining majority, they still needed to obtain the permission of a parent or guardian to enrol. The Government was not aware of any complaints concerning the wrongful imposition of disciplinary measures in military training schools.

28. **Ms. Oviedo Fierro** asked whether there was an oversight mechanism in place in military training schools to monitor the application of disciplinary measures.

29. **Ms. Costa** (Uruguay) said that no such mechanism existed. The competent ministry was responsible for monitoring the application of disciplinary measures in military training schools. There was an internal procedure for dealing with complaints concerning the wrongful application of disciplinary measures. Alternatively, complaints could be filed with the national human rights institution. The curricula of the different military training schools included a component on human rights and international humanitarian law.

30. Unaccompanied foreign minors received the same assistance as unaccompanied Uruguayan minors. Uruguay had taken in a number of refugee children from conflict-torn countries but the Uruguayan Institute for Children and Adolescents (INAU) was not aware of any of those children having served as child soldiers. The Institute worked closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) on refugee-related matters. There was a mechanism in place to facilitate the integration of refugee children from conflict-torn countries into Uruguayan society and to ensure that they received the necessary psychosocial care. There were no known cases of Uruguayan children having participated in armed conflict abroad.

31. **Mr. Cardona Llorens** asked whether there was a special protocol for determining whether an unaccompanied minor who came to Uruguay from a country in armed conflict had served as a child soldier.

32. **Ms. Ramírez** (Uruguay) confirmed that there was a special protocol for that purpose. The Uruguayan Institute for Children and Adolescents was responsible for providing primary assistance to unaccompanied minors who came to Uruguay. Unaccompanied minors were normally represented by the Institute but were also granted access to a lawyer.

33. **Ms. González** (Uruguay) said that the special protocol required the circumstances that had brought the unaccompanied minor to Uruguay to be thoroughly investigated and for the unaccompanied minor to undergo a health check. The Institute worked in partnership with child welfare institutions in the unaccompanied minor's country of origin to conduct the investigation. The special protocol was followed by all INAU offices in the country.

34. **Ms. Oviedo Fierro** said that the State party should consider introducing an oversight mechanism into military training schools to increase their accountability and transparency, as well as the visibility of their activities. She requested additional

information on the purpose and functions of the Participation Councils mentioned in the State party's report.

35. **Ms. Paysse** (Uruguay) said that the inclusion of human rights in the General Education Act (Act No. 18437) reflected the Government's desire to make human rights a cross-cutting pillar of the school curriculum. The country's various education plans also comprised a human rights component. At the primary level, students were taught about human rights as part of the wider curriculum. Primary school teachers could also broach and lead discussions on topics such as equality and non-discrimination. At the secondary level, human rights were dealt with as a separate topic integrated into subjects such as history, social sciences or citizenship education.

36. The national sex education programme for both the primary and secondary levels also referred to human rights. The various education councils in Uruguay organized seminars on human rights and relevant international norms for new teachers. A postgraduate programme on education and human rights, which included a module on children's rights, was also available to teachers. A large number of workshops on children's rights were held in the different regions of the country each year. The Convention was widely disseminated in schools by means of specially designed learning materials, posters and classroom discussions. There was a national council responsible for monitoring the implementation of the policy on human rights education. The findings of the assessments conducted by that council often informed the design of new plans and programmes in that area. Furthermore, a proposal for a national human rights education plan was being examined by the competent ministry and other relevant stakeholders.

37. The General Education Act provided that every public school in Uruguay should have a Participation Council. However, there were still public schools in which no such Council existed. The Government attached great importance to the active participation of students, teachers, parents and the local community in school life and was continuing with its efforts to give full effect to that legislative provision. In the months to come, the Government would assess the effectiveness of those Participation Councils in order to identify areas for improvement.

38. **Mr. Mezmur** asked whether the basic training provided to all teachers in Uruguay included a component on children's rights.

39. **Ms. Paysse** (Uruguay) said that all teachers were taught about children's rights as part of their basic training.

40. **Mr. Cardona Llorens** asked whether teachers in Uruguay were well paid and whether they enjoyed good working conditions. He also asked how the State party intended to remedy the lack of inclusive education and special schools for children with disabilities.

41. **Mr. Martínez** (Uruguay) said that the Government was aware of the need to pay teachers a competitive salary in order to attract the best candidates to the profession. In the past, the starting salaries of teachers working in the public sector had been among the lowest of all professionals with a university degree. However, negotiations within tripartite wage councils had led to an increase in the salaries of many public sector workers, including teachers. Although there had also been an increase in the salaries paid to teachers working in the private sector, teachers in the public sector tended to be better paid overall. The Government would continue to review teachers' salaries in the years to come.

42. **Mr. Mezmur** asked whether there were specialized services for boys who fell victims of trafficking and whether the Government planned to adopt a comprehensive long-term strategy to assist such victims.

The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.

43. **Ms. González** (Uruguay) said that INAU worked with civil society and other institutions to coordinate and oversee care services for children and adolescents who were victims of violence. Those children could seek out assistance themselves or could be referred to one of the competent institutions by a third party. Several national campaigns to promote the proper treatment of children had also been carried out by civil society. Those campaigns complemented other efforts to raise the awareness of the general public of phenomena affecting children, such as sexual exploitation, violence and child prostitution. There was also a helpline that children could call to report abuse or acts of violence committed against them. The staff manning the helpline had been properly trained and could direct children and adolescents who called to report such acts to the most appropriate care services.

44. **Mr. Cardona Llorens** said that prevention and early detection should be an essential part of the State party's efforts to combat child abuse. He asked whether teachers or health-care professionals who suspected or learned that a child was being abused were legally obliged to inform the competent authorities.

45. **Ms. González** (Uruguay) said that it was compulsory for teachers and health-care professionals to report suspected cases of child abuse to the competent authorities.

46. **Ms. Santoro** (Uruguay) said that if the family of a child who was clearly being abused failed to report the abuse, a health-care professional could inform the competent authorities directly. However, if the health-care professional had doubts over whether the child in question was being abused or the case was particularly complex, they were unlikely to report the abuse straight away. If health-care professionals or teachers failed to comply with their legal obligation to report suspected child abuse, they could face criminal penalties. The protocols and road maps for dealing with cases involving violence against children in the educational and health spheres provided guidance on how to identify child abuse and on the appropriate steps to take.

47. **Ms. González** (Uruguay) said that for more than 25 years the Uruguayan State had been running programmes intended for children in street situations. Although the State's strategy in that regard, which was necessarily flexible, involved reaching out to children in the street, it went beyond and worked with the children's families. Civil society organizations, the Uruguayan Institute for Children and Adolescents and the Ministries of Health and Social Development were closely involved in efforts to address the issue of children in the streets. No count of the numbers of such children had been carried out since 2008. It had been recognized that great changes to outreach efforts were needed to deal with the problem requiring new institutional responses, involving such components as mental health services or drug rehabilitation programmes.

48. **Ms. Ramírez** (Uruguay) said that the aim of several recent laws had been to ensure swifter adoptions. The length of time for which children could be kept in institutions had also been shortened, and 100 adoptions had been processed in 2014, more than ever before. If adoptions were not completed more swiftly still, it was because the process involved a considerable amount of specialized investigation and reporting. With a view to speeding up the process, the Institute had hired specialists to report to the courts, but 2014 had been an election year, which had made it hard do all the necessary hiring. Lastly, the Institute's Adoptions Division, which was responsible for oversight of all adoptions, would shortly be making children in some special situations — groups of more than three siblings, for example, or children with health problems — eligible for adoption.

49. **Ms. Oviedo Fierro** requested additional clarification of the Institute's alternative foster-care proposals.

50. **Mr. Cardona Llorens** said he understood that families providing foster care would be permitted to adopt the children placed in their care. In that case, foster care turned into a kind of adoption trial period, and he urged the authorities to weigh all the associated implications carefully. He also expressed concern about follow-up following adoptions.

51. **Ms. González** (Uruguay) said that strengthening families' abilities to care for children involved working either with the children's nuclear or extended families or with unrelated families. The approach was new, and it was being tinkered with to ensure that the Institute's practices conformed to the guidelines for the care of children deprived of parental care. In that connection, a pilot project involving the placement of children in boarding homes had been developed. The courts or the administrative authorities removed children from parental care when the children's best interests so required, and they could do so regardless of the age of the child. For that reason, efforts to improve parenting abilities were not limited to parents of children of any particular age. The ultimate aim of the system of protection was to make it possible to favour the family environment and thus reduce the number of children in institutions.

52. **Ms. Oviedo Fierro** said she understood that the new approach applied to children who were currently entering the system and asked whether children taken on under older approaches were also being returned to the family environment.

53. **Ms. González** (Uruguay) said that the search for alternatives to institutional care applied not just to children currently entering the system but to all those who were currently being looked after.

54. **Ms. Oviedo Fierro** asked whether family reunification procedures had been implemented and, if so, how they proceeded.

55. **Ms. González** (Uruguay) said that efforts were indeed being made to return children who had been placed in institutions to the family environment. Progress was gradual.

56. **Ms. Curto** (Uruguay) said that nearly 90 per cent of children 4 years of age and nearly all children aged 5 were in school, as required by law. In the 0 to 3 age range, however, more work needed to be done. The Coordinating Council on Early Childhood Education, established under General Education Act No. 18437, would contribute towards ensuring compliance with the legal requirement to extend preschool coverage to all children aged 3. Proposals to expand coverage for children 1 to 2 years old were also on the table. The aim of the National Comprehensive Care System, currently being developed, was to offer services, including early stimulation opportunities, to all children of families in the bottom income quintile within two years of its implementation.

57. **The Chairperson** said that appropriate early childhood development did not necessarily require preschool attendance. The most cost-effective means of ensuring a child's development was parental education. Breastfeeding should not be neglected, either.

58. **Mr. Cardona Llorens** requested information on the general situation of the approximately 10 per cent of children with disabilities in the State party.

59. **Ms. Costa** (Uruguay) said that disabilities had become a topic of public discussion in Uruguay only very recently. Persons with disabilities had been largely invisible. In the past three years, however, small steps had been taken in favour of persons with disabilities in general, although systematic efforts to encourage the enrolment of children with disabilities in schools alongside their peers without disabilities had not yet been made. In Uruguay, regrettably, the belief was still commonly held that children with disabilities should go to special schools regardless of the severity of their disability.

60. **Ms. Santoro** (Uruguay) said that in recent years screening for a number of conditions, including deafness and phenylketonuria, had been put in place for all infants. The worst effects of some disorders were thus prevented. Until very recently, however, the health authorities had not, as a rule, made early diagnoses of disabilities or developmental disorders. In general, children with disabilities had been referred to health-care providers by the educational system. To encourage earlier detection of disabilities, the health authorities had taken several initiatives, including the establishment of mandatory developmental screenings for infants. The current challenge was to ensure the full implementation of the screenings and to develop the treatment plans that the country's health services should be able to offer. After all, detecting disabilities early was of little use if no adequate follow-up was available.

61. **Mr. Cardona Llorens** asked whether Uruguay had a mechanism to coordinate all policy developments touching on issues related to children with disabilities.

62. **Ms. Curto** (Uruguay) said that although the Ministry of Social Development had programmes for persons with disabilities that were operational nationwide, improving the coordination of those programmes was still a major challenge.

63. **Mr. Martínez** (Uruguay) said that under Act No. 19172 on marijuana and its by-products the public health system was required to provide whatever services and treatment might be required by problem drug users, in particular minors. The main approach in the Act was to ensure the reduction of harm; more broadly, thanks to the Act, gradual changes had been introduced in long-standing methods of addressing drug use, in particular by adolescents.

64. The state of public spaces and recreational areas in Uruguay differed greatly from one place to another, as did the degree to which those spaces were accessible to the country's children. Other public recreation areas, managed by the Ministry of Tourism and Sport, were reserved for scheduled activities. Lastly, he said that there were no services meant specifically for child victims of trafficking. Indeed, opinions on whether a unit to provide such specific services should be created were mixed. In any event, children who had been trafficked were afforded protection and support by INAU.

65. **Ms. Oviedo Fierro** said that her emphasis on the participation and consultation of children stemmed from her conviction that such practices were the only ways of ensuring that children enjoyed their rights. In that connection, the law had provided for Participation Councils several years earlier. Visible results were therefore expected. She also emphasized the importance of continuing to make every necessary effort to ensure that children could remain with families, their own or a foster family, rather than be placed in an institution. She urged the State party to make changes to the approaches taken by its child welfare institutions. Oversight of the State's systems for ensuring that children's rights were made effective should be strengthened. Lastly, it was important not to overlook adolescents, who, in Latin America, were often considered a population group apart from children. The few options open to the many adolescents who failed to finish secondary school were a grave concern. The question that could not be ignored was what kind of country adolescents with so few options would build.

66. **Mr. Cardona Llorens** said that Uruguay was clearly making progress and that the purpose of the interactive dialogue was to help the country meet the commitments it had taken on when it ratified the Convention. The dialogue had also provided information that would enable the Committee to formulate recommendations in a number of critical areas, including addressing inequalities in the area of children's rights, strengthening institutions and the juvenile justice system, improving adoption procedures and combating violence.

67. **Ms. Costa** (Uruguay) said that her delegation had understood clearly that, as Mr. Cardona Llorens had suggested, the purpose of the dialogue was to help Uruguay continue along the right path. In appearing before the Committee, the delegation of Uruguay had sought guidance, observations and recommendations, and it had found them. International practice sometimes made it clear that a long-standing domestic perspective was not always appropriate. Lastly, she stressed the rewards of working with a delegation made up, as hers was, of specialists in diverse fields.

The meeting rose at 6 p.m.

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Summary record of the 1957th (Chamber A) meeting
Held at the Palais Wilson, Geneva, on Wednesday, 21 January 2015, at 10 a.m.

Chairperson: Ms. Sandberg

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Combined fourth and fifth periodic reports of Colombia (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties (*continued*)

Combined fourth and fifth periodic reports of Colombia (continued)
(CRC/C/COL/4-5; CRC/C/COL/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Colombia took places at the Committee table.*

2. **Ms. Gaviria Betancourt** (Colombia), responding to questions raised at the 1955th meeting about support and reparation for victims of the armed conflict, said that Colombia was going through a period that was infused with great hope but also great challenges. During the armed conflict of the past three decades, millions of Colombians had been subjected to human rights violations, including forced recruitment, forced displacement and sexual violence. Irrespective of the identity of the perpetrators, the Government was committed to providing comprehensive reparation, protection and care for all victims, 31 per cent of whom had been minors. Its reparations policy, as set out in the 2011 Victims and Land Restitution Act, was predicated on the principles of dignity, respect and participation, and a victim participation protocol adopted in 2014 gave all victims, including women and children, the opportunity to contribute to the peacebuilding and reconstruction process.

3. Information about victims was held in a centralized, gender-disaggregated register which enabled the Government to target and prioritize reparative strategies. Based on figures drawn from the register, almost 70,000 children had been victims of offences attributable to organized criminal groups, including homicides, although the majority of child homicides were attributed to illegal armed groups, with around 1 per cent only being attributed to State officials. Forced displacement had been the most widespread offence, affecting around 1.5 million minors, although a clear decline had been apparent over the past four years and over three fourths of the forcibly displaced families had either returned to their homes or been resettled elsewhere. Around 7,500 children had been forcibly recruited and close to 400 had been victims of sexual violence.

4. The Government continued to address the factors which made children vulnerable to such violations as well as to support the victims. The Ministry of Education had adopted flexible education models which enabled displaced children to continue their schooling and had run awareness-raising programmes to prevent forced recruitment. Contingency plans had been formulated to deal with any collective demobilization that might occur in the future. Psychosocial support was available for victims of sexual violence and the Comprehensive Victim Support and Reparation Unit (Victims Unit) was working with civil society and the Ministry of Justice to encourage reporting, prosecution and appropriate sanctions. The Victims Unit also provided support and emergency assistance for victims of unexploded ordnance and landmines. In 2014, close to 50 children had received assistance of that kind. At present, more than 30,000 minors were involved in reparation proceedings and were receiving financial, social and emotional support to help them through the process.

5. In June 2014, the Colombian Family Welfare Institute had adopted an integrated care policy tailored to the needs of specific victim categories. Reparative strategies were also subject to adjustment at the community level to take account of the specific violations to which local children had been exposed. Children were encouraged to participate in the process and their ideas and suggestions had been considered in round-table discussions at the regional and national level. During the peace negotiations, two young women and one young man had given an account of their wartime experiences as children.

6. **Mr. Madi** (Country Task Force) said that the policies and programmes described did not appear to distinguish adequately among victim categories. Differentiated, targeted

programmes were required to cater for the needs of demobilized child soldiers, forcibly displaced children, child victims of sexual violence and victims of other violations. Focusing on forced recruitment, he asked: how many children had been demobilized in the last 5 years; how many rehabilitation centres offered care for them; where the centres were located; how long they would provide care; what ongoing support would be offered to preclude the possibility of rerecruitment; what funding had been allocated to rehabilitation services; and what training the staff working in rehabilitation centres received. Information about the support available for displaced rural families living adrift in big cities would also be appreciated.

7. **Ms. Gaviria Betancourt** (Colombia) said that since 2007, the Colombian Family Welfare Institute had been running a highly specialized rehabilitation programme for demobilized children on the margin of the law. The programme had been recognized as a paradigm for the world by the United Nations Children's Fund (UNICEF) and other international organizations and was subject to ongoing evaluation and improvement. The passage of the Victims and Land Restitution Act in 2011 had been another milestone in the development of appropriate strategies for victims, all the more so since it had been accompanied by formal Government recognition of the existence of war, as opposed to terrorism, and an undertaking to investigate the structural causes of the conflict.

8. Other programmes of the Colombian Family Welfare Institute that were tailored to the needs of specific victim categories included the reparations programme, which awarded minors compensation that had to be retained intact until they reached majority. Until they did, the focus was on citizenship, social inclusion and psychosocial care and developing the skills that would help child victims to make the right decisions when they turned 18.

9. **The Chairperson** (Coordinator, Country Task Force) asked how the State party ensured the effective and efficient execution of resettlement and return programmes, in view of the fact that policy was generally developed in the city but implemented in remote, rural areas. She would also like more details about children's contributions to the peace process and about the content and current status of the victim participation protocol.

10. **Ms. Gaviria Betancourt** (Colombia) said that children were contributing to decisions that affected them at different levels throughout the country. In the course of 2014, the Office of the High Commissioner for Peace, in conjunction with UNICEF, the Victims Unit and other national bodies, had run workshops and forums in various regions at which children were encouraged to provide suggestions and other input for the post-conflict reconstruction process. The three young persons who had spoken during the peace negotiations between representatives of the Government and the Revolutionary Armed Forces of Colombia (FARC) had made important recommendations about the future care and support that should be provided to child victims.

11. Efforts to make local communities aware of the provisions of the victim participation protocol were under way across the country. Looking to the future, the aim was that all decisions affecting victims should be taken in participatory forums. The district-level transitional justice committees and newly created municipal participation boards would have key roles in the protocol's progressive roll-out.

12. **Mr. Madi** said that more information about funding was needed, since effective implementation of the numerous policies and programmes in place would require not only a huge coordination effort but also copious resources. Although, according to the central victim's register, only a small percentage of child homicides could be attributed to State officials, even that amounted to an unacceptable number. He would therefore like to know what steps were being taken to ensure that State officials implicated in human rights violations did not enjoy impunity.

13. **Ms. Gaviria Betancourt** (Colombia) said that over the past decade, Government investment in victim care and support had been higher than ever before, totalling over US$ 15 billion. All human rights violations committed by State officials were treated as extremely serious matters. The authorities had adopted a zero-tolerance approach, and all alleged violations perpetrated by members of the security forces or paramilitary organizations were duly investigated.

14. **Ms. Flórez** (Colombia) said that from 1999 to the present, more than 5,000 demobilized children had received support under a programme carried out by the Colombian Family Welfare Institute. Over that period, the related budget had been in excess of US$ 3.5 billion. The care available under the programme was tailored to the ethnic origin and urban or rural background of the victims. The care programme was broken into various phases for which there was no set time frame; care needs were determined on an individualized basis, and support was provided for as long as needed, and at least until the child reached majority and could access financial compensation. Towards the end of the rehabilitation process, the aim was to place children with foster families in the local community to facilitate their social reintegration.

15. **Ms. Durán** (Colombia) said that in 2012, the Attorney General's Office had prioritized the investigation of acts of organized crime. As at January 2015, 2,665 victims of sexual violence, 778 of whom were minors, had been registered in the transitional justice system. There had been seven convictions against seven defendants, including in a number of emblematic cases, such as that of Salvatore Mancuso and other demobilized members of the now defunct *Autodefensas Unidas de Colombia* (United Self-Defence Forces of Colombia), in which a pattern of widespread gender-based violence during the conflict had become apparent. In the ordinary justice system, there were 25,775 cases related to sexual crimes in which the victims were children or adolescents. In the last year, the Attorney General's Office, in coordination with the Public Legal Service and the Comprehensive Victim Support and Reparation Unit, had held 437 sessions in seven regions to register, without any risk of revictimization, complaints by women and children of sexual violence related to the armed conflict.

16. With regard to the occupation of schools by armed groups, two criminal investigations were being carried out into events in the department of Antioquia during which a school had been mined in order to sabotage an electoral process.

17. The unlawful recruitment of minors had been identified as a priority for investigation. To date there had been 11 convictions against 27 defendants for the recruitment of 4,030 minors. There were 2,556 proceedings ongoing in relation to unlawful recruitment, of which 43 victims were children and adolescents from indigenous communities.

18. **Mr. Madi** said that he would welcome further information on whether alleged violations by military and police personnel of children's rights, including sexual exploitation, had been investigated and prosecuted. He asked the delegation to comment on the veracity of allegations that the members of the armed forces were sometimes stationed around schools during class time.

19. **The Chairperson** asked the delegation to comment on reports of torture and other cruel treatment of children by government agents or non-State armed groups.

20. **Ms. Durán** (Colombia) said that 232 cases of murder allegedly committed by law enforcement personnel in the context of the armed conflict were being investigated by the Human Rights and International Humanitarian Law Unit. There had also been a number of exemplary convictions, such as the case of a police officer who had been sentenced to 60 years in prison for the sexual assault and murder of two minors. Cases of torture were also being investigated.

21. **Mr. Ardila** (Colombia) said that, under the Children and Adolescents' Code, all forms of participation of children and adolescents in military activities were prohibited and schools were designated as protected zones. The Ministry of Education was a member of the Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations and had a plan for the prevention of child and adolescent recruitment. There was also a ministerial directive on continuity of education in emergency situations, which required schools to develop risk maps and adopt clear prevention and contingency measures. The Intersectoral Commission had developed procedures to ensure the protection of children in the event of occupation or the presence of the armed forces or illegal armed groups. Training was provided to law enforcement personnel around the country to enhance the protection of children in situations of armed conflict, in accordance with Security Council resolution 1612 (2005).

22. **Mr. Estefenn Rodríguez** (Colombia) said that education was one of the pillars of the 2014–2018 National Development Plan. In the past four years, there had been an increase of more than 20 per cent in public spending on education: total spending in that area was now approximately 5 per cent of gross domestic product. In 2012, the Government had introduced universal free education from preschool to the upper secondary level. Since 2010, there had been a massive increase in the number of vulnerable children under 5 receiving integrated early-childhood services, and some 90,000 new educators had been trained. An education programme on the exercise of human rights was being implemented in 13,600 schools, and a programme on citizenship skills was being carried out in all schools. The distribution of free textbooks to schools, particularly those in rural areas and with poor academic performance, had been organized. Teachers working in remote areas received an added 15 per cent on top of their basic salary. A scholarship fund had been set up to encourage the best secondary school graduates to become teachers. Various programmes had been introduced to enhance recognition of the country's multiculturalism.

23. A number of measures had contributed to reducing the school dropout rate between 2010 and 2014, including increased investment in school transport, flexible education models for students from vulnerable groups and a school meals programme providing breakfast and lunch to students from indigenous groups. The number of students completing the final year of secondary school had increased to 65 per cent in 2013. The coverage rate for higher education had reached 47 per cent in 2014, with more than 2.1 million students enrolled, many of whom were from low-income families and received State financial support. A compensation fund set up to support access to education for victims of the armed conflict had provided funding to more than 2,000 students. University scholarship programmes had been set up for members of vulnerable groups with good academic performance and for the best secondary school graduates.

24. **The Chairperson** asked what was being done to improve the school infrastructure and address the lack of schools nationwide. She wondered whether teachers were generally considered to be well paid.

25. **Mr. Estefenn Rodríguez** (Colombia) said that considerable efforts had been made to enhance the status of the teaching profession. Although their salary was above average, many teachers only worked half days, so their earnings were relatively low. The Ministry of Education had made significant progress in improving teachers' working conditions, including investing in training and further qualifications.

26. **Mr. Nogueira Neto** asked the delegation to comment on the high dropout rate among adolescent girls because of pregnancy, and on educational programmes on gender equality.

The meeting was suspended at 11.25 a.m. and resumed at 11.50 a.m.

27. **Mr. Estefenn Rodríguez** (Colombia) said that in the past four years, the Government had invested 75 per cent more resources in educational infrastructure than it had in the previous eight. In 2014, improvements had been made to more than 4,800 schools, and 50 "mega-schools", with a capacity of between 1,500 and 4,000, had been constructed in urban centres. In January 2015, the Government had issued a call for tender for an investment of US$ 3 billion in education infrastructure over the next four years, including the construction of more than 30,000 classrooms to reduce the current deficit.

28. Under the intersectoral strategy for the prevention of teenage pregnancy, no girl should be excluded from school or subjected to discrimination because of pregnancy. Pregnant adolescents were allowed to have a more flexible school timetable to enable them to attend their antenatal appointments. After the birth, schools were obliged to facilitate breastfeeding and care of the baby. Nonetheless, 13 per cent of girls dropped out of school because of pregnancy.

29. **Ms. Herczog** asked whether there were any plans to improve reproductive health education for children and provide access to abortion. She wondered what efforts were being made to improve the overall breastfeeding rate, which was currently in decline.

30. **Ms. Plazas Michelsen** (Colombia) said that the country's policy on gender equality had been designed in cooperation with civil society following extensive consultations with women, and men, from all sectors and walks of life nationwide. The gender policy covered aspects such as cultural transformation, peacebuilding, financial independence, participation in decision-making, non-violence against women, health and education. Coordination among the 34 State bodies involved in implementing the policy was essential. Significant resources had been allocated for its implementation.

31. Efforts were being made to incorporate a gender perspective at all levels of education, and teachers had been provided with guidelines to ensure there was no discrimination in the classroom. There were also educational programmes on the prevention of violence. From a very early age, children were taught about human rights and gender equality in order to change attitudes about traditional gender roles.

32. Colombia had unfortunately not met the Millennium Development Goal on reducing teenage pregnancy, which was one of the country's biggest social problems. The Government had adopted a comprehensive national policy to address the social, cultural and economic aspects of the phenomenon, in addition to improving sexual education and access to contraception. Some of the causes of the high teenage pregnancy rate, which currently stood at 19.5 per cent, were gender inequality, domestic violence, lack of opportunities and the armed conflict.

33. The Ministry of Education had been providing education on sexual and reproductive rights for children and adolescents and their families since 2006. There was an emphasis on empowering young people to take informed decisions on their sexual and reproductive health. All adolescents were entitled to free contraception from their health-care provider. Specialized youth-friendly health services would continue to be strengthened. Training on sexual and reproductive rights was given to members of the armed forces and the police as well as community groups, parents and all those who worked with adolescents. Other components of the policy included the provision of parenting classes and increasing higher education opportunities.

34. **The Chairperson** asked the delegation to comment on reports of underreporting and lack of prosecution of the offence of impregnating girls under 14, given that sexual relations with anyone under that age were a crime. She also wished to know more about the high maternal mortality rate among adolescents.

35. **Ms. Plazas Michelsen** (Colombia) said that it was true that physicians did not always report cases of girls under the age of 14 being made pregnant, possibly out of a fear that such reporting might expose them to danger if they were practising in small, isolated communities. However, the situation was now being monitored by the Health Inspectorate to ensure that pregnancies of girls under the age of 14 were reported. According to the Attorney General's Office, over 8,000 investigations of such cases were now under way. The Attorney General's Office and the Colombian Family Welfare Institute were working together to speed up prosecutions.

36. **The Chairperson** recalled that a question about abortion had been raised by Ms. Herczog.

37. **Ms. Plazas Michelsen** (Colombia) said that abortion was illegal under the Constitution, except in cases of rape or malformation of the foetus or where the mother's life was in danger. Several Constitutional Court rulings had directed health-care professionals to respect those exceptions. The rulings had been widely circulated to ensure that women's reproductive health rights were well known.

38. **Ms. Herczog** asked the delegation to address reports that physicians were refusing to perform abortions, in violation of the relevant rulings by the Constitutional Court.

39. **Ms. Plazas Michelsen** (Colombia) said that individual physicians could exempt themselves on moral grounds from practising abortions, but not all physicians could claim that exemption in a given hospital. Nevertheless, in certain hospitals, it had sometimes been difficult to implement the Constitutional Court's rulings. The Health Inspectorate had improved matters by mandating abortions to be performed in certain circumstances, and it could also impose sanctions for non-compliance.

40. **Ms. Herczog** asked what was being done to reverse the decline in breastfeeding.

41. **Ms. Alarcón** (Colombia) said that the Government was concerned about the phenomenon. Specific actions had been put in place through a national breastfeeding plan and a plan to combat child malnutrition. In addition, the number of days allowed for maternity leave had been increased, breast milk banks had been introduced and special programmes had been started to improve women's knowledge about parenting and child health.

42. Turning to questions asked at the 1955th meeting about the intra-family violence and early-childhood services, she said that the latter were part of a highly structured policy framework. The Government had developed a tailor-made roadmap for early-childhood services, was monitoring how the specific needs of young children were met and sought to use quality criteria to ensure that policies on early childhood had an impact from before birth through to the end of childhood. Colombia was committed to intensifying its focus on children who were victims of rape, abuse and conflict, on the marginalized and isolated and on children with disabilities. Training families, including through peer-to-peer mentoring for children and parenting skills for adults, had the potential to deal with problems pre-emptively.

43. In relation to maternal and child mortality, there was a growing recognition that the whole approach needed to change. The health sector was currently preparing to revise all its clinical guidelines and protocols on maternal and child health.

44. The Government was taking the following action to tackle congenital HIV/AIDS and syphilis: establishing a four-part strategic plan for 2011–2015 to eliminate mother-to-child transmission of HIV and syphilis; increasing the screening of pregnant women for syphilis and HIV; carrying out a study with UNICEF about those affected by mother-to-child transmission of HIV; and training and raising awareness among medical staff, including through regional workshops.

45. As to figures on immunization, she said that it was difficult to collect accurate statistics because of the size of migrant and transient groups within the population. It had been suggested that there was a 20 per cent shortfall in immunization, but rates nationwide had actually increased in recent years. The national average for vaccination against diphtheria, tetanus and pertussis had grown from 80 to 91 per cent in just a year, and among children under 1, the rate for vaccination against measles, mumps and rubella had gone from 88 to 92 per cent. However, about 400 municipalities reported vaccination coverage at below 80 per cent. To tackle the regional disparities with the national average, the Government was: ensuring that vaccines were distributed in a timely manner and in sufficient numbers; providing all vaccination services free of charge; offering door-to-door services for those unable to come to clinics; and organizing national vaccination days, with robust public communications to raise awareness among the population about the need to vaccinate.

46. **The Chairperson** asked what action Colombia was taking to protect human rights defenders from aggression and to combat discrimination against children with disabilities, HIV/AIDS and those from the LGBTI community.

47. **Ms. Fonseca** (Colombia) said that the State was committed to protecting human rights defenders as part of its responsibility to ensure the rule of law. In 2009, Colombia had implemented an agreement between the State and human rights organizations that comprised a direct and ongoing dialogue, with the aim of finding solutions to problems that human rights defenders encountered in their work, including the threats levelled against them. In 2014, the specialized prosecutors for human rights had opened 60 investigations into attacks on the lives of human rights defenders. A unique programme had been established for the specific purpose of protecting at-risk persons, including human rights defenders: more than 500 people were currently benefiting from the programme.

48. Turning to the issue of clean water, she said that the most significant progress in the last four years had been: the implementation of more than 1,000 water projects; the investment in water projects of more than US$ 1.7 billion that had benefited over 9 million people; and the provision of new water pipelines to 3.5 million people.

49. **Ms. Plazas Michelsen** (Colombia), responding to a question posed earlier, said that the Colombian Family Welfare Institute was responsible for managing adoption programmes, in cooperation with eight private partners that were duly authorized to perform such functions and were monitored by the State. No other private groups were involved in adoption procedures. To ensure that adoptions were capably handled and prevent economic interests from coming into play, trafficking in children and adolescents was criminalized under Colombian law. Any payments to adoption institutions or to biological parents in connection with adopting a child were prohibited, in conformity with the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption. Inter-country adoption was considered a subsidiary mechanism, to be employed only when there were no suitable adoptive families in Colombia. Adoptive families facing serious problems could call on multidisciplinary teams from the Colombian Family Welfare Institute for help. Colombia was committed to avoiding the painful phenomenon of long-term institutionalization of children. True, the procedures for preventing children from being placed into care were still inefficient and slow, but emergency response measures were in place, mental and physical health teams were to be deployed to deal with risk situations and the number of family advocates' offices was to be increased.

50. **Ms. Herczog** said that there were still loopholes in adoption procedures in Colombia. Certain online forums highlighted them and gave advice on how to gain illegal access to children in Colombia. More should be done to increase domestic adoption rates, and to channel funding to trafficking prevention and family strengthening.

51. **Ms. Hoyos** (Colombia) said that the juvenile justice system was geared towards restorative justice and reparation of harm. Minors who committed criminal acts were subject, not to the criminal justice system for adults, but rather to a system of administrative and protective measures. A number of difficulties in operating that system had to be acknowledged, however. Unresolved issues included how the juvenile justice system tied into the family welfare system and whether there was an identifiable oversight body. Civil society organizations, together with government bodies, had firmly opposed parliamentary proposals to lower the age of criminal responsibility or to change the principles of protection underlying the alternative juvenile justice system.

52. In answer to a question about penalties handed down to minors, she said they did not include deprivation of liberty. Since 2007, over 170,000 adolescents had been dealt with by the juvenile justice system. Around a quarter had been granted assisted release, while others had been sentenced to community service or given warnings.

53. **The Chairperson** (Coordinator, Country Task Force), summing up the discussion, said that a number of questions about how certain policies were being implemented on the ground and about prosecutions and impunity remained unanswered. Nevertheless, she thanked the delegation for the informative answers given to the Committee's questions, which had led to a fruitful dialogue.

54. **Ms. Plazas Michelsen** (Colombia) said any critical comments made by the Committee would be acted on in order to improve children's rights in Colombia. She was aware of the challenges ahead, particularly in addressing disparities in the situation of children in urban and rural areas. She thanked the Committee and those who had contributed to the dialogue, including civil society representatives.

The meeting rose at 1.05 p.m.

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Summary record of the 1958th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Wednesday, 21 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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Combined second to fourth periodic reports of Iraq

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined second to fourth periodic reports of Iraq (CRC/C/IRQ/2-4; CRC/C/IRQ/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **Mr. Al-Bayati** (Iraq) said that his country attached great importance to the rights of the child. Various government bodies and civil society organizations had been involved in drafting the State party report. The National Centre for Human Rights had held a number of workshops for civil servants and members of civil society with a view to raising awareness of the Convention on the Rights of the Child.

3. His country was facing significant challenges as a result of actions by the Islamic State in Iraq and the Levant (ISIS). Approximately 2.5 million Iraqis, 30 per cent of whom were children, had been displaced as a result of ISIS military operations and terrorist attacks and hundreds of children had become lost or separated from their parents. Girls, in particular, were being kidnapped, exploited and used as sex slaves. The Government needed to formulate an urgent action plan to provide housing, education and health services to displaced children. Newborns in camps for displaced persons were at particular risk due to the severe cold and lack of sanitation.

4. Nevertheless, Iraq had managed to slightly reduce poverty, increase enrolment in primary education and reduce the infant mortality rate. It had established a family court, courts specializing in domestic violence and a family protection programme, in addition to mechanisms to address complaints related to human rights and, also, a children's helpline in the Kurdistan region. Moreover, a number of laws had been adopted, including laws on trafficking in persons, social protection and the eradication of illiteracy.

5. **Ms. Winter** (Coordinator, Country Task Force) said that the Committee was aware of the significant challenges faced by the State party, but would address the needs of Iraqi children, as the Government had a duty to assist them regardless of the circumstances.

6. The Committee had a number of concerns, including: increased corruption; obstacles to the work of NGOs; discrimination and honour crimes against girls; trafficking in persons; the lack of resources specifically allocated to children in the budget; the definition of the child; the administration of juvenile justice; and terrorist attacks against schools and hospitals. In addition, it had concerns surrounding the right to identity and legislation requiring girls to obtain their fathers' permission to travel, in addition to the sexual exploitation and abuse of girls and boys. It was concerned that the incidence of female genital mutilation, having decreased, appeared to be increasing again. Moreover, many children were deprived of a family environment, many were imprisoned with their parents and many suffered from drug and substance abuse or mental health issues as a result of the trauma that they had experienced. Lastly, the poverty in refugees camps was leading to forced marriages, malnutrition and the abduction, trafficking and sale of children.

7. **Mr. Kotrane** (Country Task Force) said that the Committee welcomed the progress achieved by the State party despite the difficult circumstances. A number of constitutional and legislative reforms had been introduced, and the new Iraqi Constitution of 2005 included provisions on children. He asked whether there had been any developments with respect to the various bills under consideration relating to child protection, the Children's Parliament and the Child Welfare Commission.

8. The Committee also welcomed the ratification by the State party of both the Optional Protocol to the Convention on the Rights of the Child on the involvement of

children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as a number of international human rights instruments. Was ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure under consideration?

9. Turning to the concerns of the Committee, he said that accountability and the rule of law needed to be strengthened, especially in view of the escalation of violence and the growing number of victims, including children. While the Government was taking steps to improve the security situation, its initiatives had sometimes overlooked the accountability of institutions, which had led to a certain degree of impunity. Law enforcement officials must ensure the rule of law while respecting human rights. What measures was the Government taking to strengthen the judiciary? Were officials being given training in human rights? What steps was the Government taking to address racism, gender-based discrimination and hate speech, and what resources were being allocated to those issues?

10. The Committee welcomed the fact that the State party had withdrawn its reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, with the effect that Iraqi women could transmit their nationality to their children. However, Iraq, unlike most countries in the region, had entered a reservation to article 14 of the Convention on the Rights of the Child with respect to freedom of thought, conscience and religion. The Iraqi Constitution of 2005 included no recognition of the fact that the Convention on the Rights of the Child had precedence over national legislation and was directly applicable in court. With respect to the definition of the child, Iraqi law was fully consistent with the Convention; however, the Ja'fari personal status bill established the minimum age of marriage as 9 years and should be withdrawn. As to the best interest of the child, the information provided in the State party's report was insufficient. The report stated that nothing prevented judges from considering the viewpoint of the child before ruling on a particular case; however, the Committee would like to know what steps were being taken to ensure that judges would take children's viewpoints into consideration. In that regard, the Committee had adopted an interpretation of article 12 in its general comment No. 12.

11. The Committee was also concerned about the increase in the number of honour crimes, which were a violation of the right to life. What measures were being taken to put an end to such crimes, as well as to early marriage, temporary marriage and female genital mutilation? Lastly, in view of the fact that while the Iraqi Nationality Act No. 26 of 2006 allowed men to transmit their nationality to their children born outside Iraq women could not do so unless their children's father was unknown or stateless, the State party should amend the Act to ensure equality between men and women.

12. **Ms. Al-Shehail** (Country Task Force) said she would welcome clarification on the general measures taken to implement the Convention, particularly the budget allocated to children. The Committee had noted that there was limited spending on primary education and a lack of emphasis on education, which led tens of thousands of students to drop out of school. She wished to know whether the Government was planning to take measures to tackle that problem.

13. Noting that the Ministry of Human Rights was responsible for the dissemination of the Convention, she said that awareness of the Convention must be raised throughout the country, not only through workshops, but through all modern media and particularly in schools. She wished to know whether special training programmes on the rights of the child were provided to those who worked with children in health and education. What sort of support was provided to NGOs, and what steps was the Government taking to address the issue of early marriage?

14. **Ms. Parsi** (Country Task Force) said that while the Committee recognized the difficulties faced by the Government in implementing children's rights under the prevailing

conditions, it nevertheless drew the delegation's attention to the need to eradicate harmful practices prohibited by the Convention.

15. Until honour killings were prohibited by law, they would continue. In the absence of a legal protective mechanism, children fearing honour crimes were forced to flee their homes to places where they lacked identification as well as access to education and health services. How was the State party assisting such children, and how was it tackling the cultural causes of honour crimes?

16. What steps was the State party taking to eradicate the practice of female genital mutilation?

17. While the State party had asserted that the practice of early marriage was dwindling, the Committee had information to the contrary. Early marriages were even being contracted for short periods, without any obligations imposed on the husband. What was the status of the so-called Ja'fari personal status bill, which would lower the age of marriage and legalize marital rape? What awareness-raising efforts were under way to sensitize the population and the judiciary to those issues?

18. **The Chairperson**, speaking as a member of the Committee, asked whether the State party would consider enhancing protection for hospitals and schools, which were often targets of attacks. She inquired whether efforts were being made to improve the rate of birth registration in rural areas, and to eliminate the practice of corporal punishment.

19. **Ms. Winter** said that she had been told by judges working in Iraq that most judges there took the stance, for religious reasons, that the age of criminal responsibility was 7 years, even though by law it was 9 years in the central governorates and 11 years in the Kurdistan region. Did the Government plan to educate judges about the issue?

20. What was being done to counter the practice, widespread in refugee camps, of marrying off daughters at the age of 9 years in order to avoid having to feed them?

21. **Mr. Gurán** requested information about the composition and work of the High Commission for Human Rights and the Independent Board of Human Rights in the Kurdistan Region. Those bodies had been established in 2008 and 2010 respectively, yet the Committee had not received any information about their activities. How many complaints had they received, and how many cases had they resolved? It was important to bring those bodies fully into line with the Paris Principles so that they could serve as a basis for a future national human rights institution.

22. He asked whether any steps had been taken to promote awareness of the Committee's general comment No. 12, on the right of the child to be heard, and general comment No. 14, on the right of the child to have his or her best interests taken as a primary consideration. Did the State party plan to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure?

23. **Ms. Oviedo Fierro** asked what avenues existed for children to participate in civic life and express their views on issues that concerned them, including in the context of legal proceedings. She asked whether all children had opportunities to use the Internet to access information, and whether measures were in place to protect children from those who might wish to harm them via the Internet.

24. **The Chairperson**, speaking as a member of the Committee, asked what efforts had been made to address the discrimination against girls that pervaded many aspects of society and even the law.

The meeting was suspended at 11.10 a.m. and resumed at 11.40 a.m.

25. **Mr. Al-Bayati** (Iraq) said that the High Commission for Human Rights had been established after consultations with relevant actors and represented all sectors of society. It had thus far been unable to elect a president, even though the Parliament had recently instructed it to do so; the presidency rotated monthly among its members. He hoped that the High Commission would soon be able to commence work.

26. **Ms. Al-Nuaimi** (Iraq), referring to issues raised earlier, said that the Ministry of the Interior had established a number of directorates to tackle specific issues. One such directorate was responsible for the protection of institutions, including schools and hospitals.

27. In addition, a special police directorate had been established in each governorate to protect family members from domestic violence. A domestic violence bill currently before the Parliament aimed to criminalize the practice and require reparations for victims. Other measures envisioned included special domestic violence courts and offices providing legal advice in connection with marital relations and domestic and other family violence.

28. Another directorate, established to support police work, provided social and awareness-raising services in connection with domestic violence, juvenile delinquency, begging, indecent assault and rape. It also monitored trafficking in persons and narcotics and kept an eye on companies suspected of financing terrorism. The directorate enjoyed the respect and trust of local police.

29. Her Government strove to ensure that arrests of children were made in accordance with the law. In order to make participation in armed conflict less attractive for children, efforts were being made to improve family incomes, keep children in school and increase awareness of the value of peace. Steps were also being taken to address the issue of children living on the street.

30. **Mr. Al-Jizani** (Iraq) said that institutions existed in many parts of the country to care for children who had been orphaned or otherwise deprived of a family setting. Such institutions, in cooperation with other government entities and NGOs, secured names and citizenship for children of unknown parentage, protected them from discrimination and harm, and strove to ensure their integration into society. Children living in such institutions were enrolled in regular schools and received help with their homework. Sports and other leisure activities were organized, and vocational training was provided for children aged 16 years and over with little schooling.

31. A family reintegration programme was in place to return children to their families of origin.

32. **Mr. Al-Mulahwaish** (Iraq) said that the Ministry of Human Rights conducted human rights awareness training for its own employees, for workers in other government entities dealing with children's issues and for schoolchildren. Children who were at least 12 years old could be consulted in legal cases affecting them.

33. **Mr. Kotrane** (Country Task Force), referring to the difficulties encountered in appointing presidents for the human rights institutions of the central governorates and the Kurdistan region, asked whether the Government intended to ensure that those bodies were truly independent and not subject to political pressures or allegiances. Referring to paragraph 14 of the report, he asked whether an ombudsperson for children had been appointed and, if so, whether children could submit complaints to that official. Citing the Committee's general comment No. 12, he stressed that children's right to be heard in all legal cases affecting them must be enshrined in law; judges must not have discretion in the matter.

34. **Mr. Al-Bayati** (Iraq) said that the reference to problems in respect of the Human Rights Commission did not mean that the Commission was not functioning. In fact, it had

already investigated and drawn up a number of reports on human rights violations, which had been submitted to the relevant United Nations bodies. His country did not, however, have a special commission on the rights of the child. All matters pertaining to the rights of the child were dealt with by a special division in the Ministry of Human Rights and by a special authority in the Kurdish region.

35. **Mr. Al Sayed Noor** (Iraq) drew attention to the information on nationality contained in paragraphs 22 and 23 of the State party report. The Ministry of the Interior verified and confirmed the nationality of an Iraqi woman who gave birth to a child abroad so that she could transmit her nationality to her offspring. Some 96 per cent of births in the country were registered. Failure to register the remaining 4 per cent was due to the non-registration of some marriages. The Personal Status Code dealt with the situation of women abandoned by their husbands. International organizations and the authorities were endeavouring to provide poor families with free legal assistance in order to help them prove marriage and obtain citizenship.

36. The Internet was currently available everywhere and was widely used in Iraq. The Ministry of Communication was responsible for regulating its distribution. When regulating the use of the Internet by children, their right to freedom of information must be balanced against the need to protect them from harm. Since it was difficult to prevent their access to certain harmful websites by technological means, the Government relied more on families and schools to educate children on beneficial ways of using the Internet which broadened their knowledge and enhanced their intellectual capacity.

37. The courts had discretion to grant exemptions from the legal minimum age for marriage in some circumstances, subject to the consent of the girl and her parents or legal guardian. Since breaches of the law did occur in some areas of the country, a number of human rights organizations and authorities had proposed the introduction of penalties which would also apply to clergy who officiated at marriages of persons under the age of 15 years.

38. **The Chairperson** said that it would be desirable for the courts to abide by the minimum age limit for marriage, as that limit had been established on the basis of medical evidence with regard to young people's physical and mental capacity.

39. **Ms. Oviedo Fierro** enquired as to the type of penalties which would be incurred in the case of underage marriage, and as to measures to ensure that the courts applied the law correctly.

40. **Mr. Kotrane** wished to know if there were any plans to revise the Ja'fari personal status bill and to ensure that courts which had permitted underage marriage did not enjoy impunity.

41. **Ms. Winter** requested data on the number of cases in which courts had been bribed to permit underage marriage. How many clerics had been punished for officiating at marriages of minors?

42. **Mr. Al Sayed Noor** (Iraq) said that although efforts had been made to tackle the problem of underage marriages from various angles, the custom prevailed in some regions. The law had introduced penalties for the marriage of girls under the age of 15 years and further amendments to the personal status laws had been drafted. There was no evidence that any courts had been bribed to permit early marriages. The former Government had repealed the Ja'fari bill and the current Government had no intention of reintroducing it.

43. The provisions of the Convention on the Rights of the Child and the Optional Protocols thereto had been incorporated into domestic legislation and a number of court decisions had been based on the Convention. In addition, a committee had been set up to ensure the compliance of all laws with the international conventions to which Iraq had acceded. A domestic institution would have to be established in order to conduct the inquiry

procedure required under Part III of the Optional Protocol on a communications procedure, as his country was still in a transitional stage of institution-building. The Ministry of the Interior had established a directorate responsible for the protection of the family. A bill on domestic violence and a number of other bills designed to combat violence against children had been submitted to the Parliament. A human rights court had also been established.

44. He shared the Committee's concerns regarding honour crimes and the marriage of a rape victim to the rapist. However, serious efforts were being made to amend the relevant legislation, although it was uncertain whether society was fully prepared to protect rape victims. Attitudes and cultural perceptions would first need to be changed, in order to create awareness that rape was a serious crime.

45. The corporal punishment of children was strictly prohibited. The Ministry of Human Rights and the Ministry of Education were responsible for taking disciplinary measures against anyone who subjected children to corporal punishment.

46. **Mr. Mezmur** asked whether the State party considered it necessary to amend its welfare legislation in view of the increasing number of children who were deprived of a family environment. Did polygamy and repudiation have a negative impact on children's right to a family environment? How were custody issues resolved? Were there any plans to expand foster care for children without a family environment in rural areas? He invited the delegation to supply statistics on the number of children in foster care. What steps were taken to ascertain that children living in orphanages really were orphans who had no family? What measures were taken to review their cases and reunite them with their family if it was found?

47. What efforts were made to arrange alternative care for, or to find the relatives of, children who were in prison with one of their parents, when that parent was executed?

48. **Ms. Oviedo Fierro** asked the delegation to describe endeavours to change cultural attitudes to child marriage, domestic violence, violence against children and sexual abuse.

49. **Ms. Winter** asked if there was any possibility of improving conditions in prisons in order to prevent children incarcerated with their mothers from contracting serious diseases, such as leprosy, during detention. Was there any possibility of improving the deplorable situation of child asylum seekers or refugees? What measures were being taken to assist children in street situations, provide them with schooling and implement legislation banning child labour? What protection did the law afford to child victims or witnesses of crime? Would it be possible to pass one law on such protection for the whole country, including the Kurdistan region? What steps were being taken to counter discrimination against children and young people belonging to minority groups in the spheres of education, employment, housing and health care?

50. **Mr. Kotrane** said he wished to know what was being done to spread the culture of human rights in order to combat the ideological brainwashing and indoctrination of children by groups such as ISIS. What measures were adopted to guarantee that the basic needs of child refugees, returnees and internally displaced children were met, that they were protected against sexual exploitation and trafficking and that they could obtain access to education, nutrition and health services?

51. The age of criminal responsibility must be raised to 13 years. Did the law make specific provision for the protection of children in police custody or pretrial detention? What were the maximum periods that young people could be kept in such custody or detention? He expressed concern that capital punishment could be imposed on young people under the age of 18 years if their actual age was not known.

52. **The Chairperson** asked what steps were being taken to curb preventable diseases and chronic malnutrition among children, to reduce maternal mortality and to deal with drug and substance abuse among young people.

53. **Ms. Al-Shehail** said she would like to know when draft legislation related to the needs of children living with disability and children with special needs would come into force. Would it be possible to set up an independent committee to identify the reasons why those children lacked access to education? Lastly, she wished to know why there were gaps in the provision of assistance to such children.

The meeting rose at 1 p.m.